

# Administrative Office of the Courts

Chief Justice Christine M. Durham  
Utah Supreme Court  
Chair, Utah Judicial Council

## MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator

Fred Jayne, Finance Manager

From:



Brent Johnson, General Counsel

OSDC/Board of Pardons and Receivables

Date:

May 10, 2005

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This memorandum is in response to your e-mail dated March 30, 2005 requesting an opinion on what to do with an accounts receivable in one case when a defendant is sentenced to prison on a subsequent case. The question is whether the account receivable should be sent to the Office of State Debt Collection or to the Department of Corrections. It is my recommendation that the account receivable be sent to the Office of State Debt Collection along with a note that the defendant is in the custody of the Department of Corrections.

As I have reviewed the relevant statutes, it appears as if the Department of Corrections and the Board of Pardons may collect and assert jurisdiction over fines and restitution in other cases. However, it appears as if this authority may be discretionary and is not mandatory. It appears as if the Office of State Debt Collection could also attempt collection of an earlier debt while an offender is with the Department of Corrections. Therefore, I suggest that the Office of State Debt Collection take the account receivable and they can coordinate with the Department of Corrections if appropriate and necessary.

Please let me know if you have any questions about this.

The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.

450 South State Street / P.O. Box 140241 / Salt Lake City, UT 84114-0241 / 801-578-3800 / Fax: 801-578-3843